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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,121

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Angelo Michael Turco

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EXAMINER

HIJAZ, OMAR F

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,121	<b>Applicant(s)</b> TURCO, ANGELO MICHAEL	
	<b>Examiner</b> OMAR HIJAZ	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The Amendment filed on November 13, 2008 has been entered. Claims 1-10 have been amended. Claims 1-10 are now pending in the application.

#### ***Response to Amendment***

1. The previous claim objections are withdrawn in light of Applicant's amendments all claims.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finon (U.S. Patent No. 3,412,515) in view of Turco (U.S. Pub. No. 2004/0010998).

As per claim 1, Finon discloses a jointing system (junction element 5) for supporting a plurality of cladding panels (1) relative to a building or building frame (assembly for installing prefabricated wall panels; title), the panels having slots along the edges thereof (as illustrated, panels 1 have grooves 2 in their edges; figure 1), the jointing system including: a longer inner flange (elongated base 3) for fastening to the building or building frame (as illustrated, the junction elements 5 are fastened to a building frame; figure 6), a shorter outer flange (wings 4), and a web connecting a longer inner flange to a shorter outer flange (as illustrated, the wings 4 and elongated

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base 3 are joined; figure 2) to form an elongate recess on each side (as illustrated, a recess is formed between the wings 4 and the elongated base 3; figure 2), being substantially centrally disposed relative to side edges of the outer flange such that the elongate support member is substantially H-shaped in cross-section (as illustrated, the junction element forms a substantial H-shape; figure 2); wherein when a cladding panel is supported relative to the building or building frame by the jointing system (as illustrated, the panels 1 are supported relative to a building frame via the junction elements 5; figure 6), the outer flange is received in one of the slots along the edges of the cladding panel (as illustrated, the wings 4 are received in the grooves 2 of the panel 1; figure 2).

Finon fails to disclose sealing means received in the recesses; and wherein the sealing means cooperates with the panel to substantially seal a space behind the cladding panel against the ingress of moisture.

Turco discloses a jointing system (jointing elements 12) for supporting a plurality of cladding panels (10) relative to a building or building frame (a wall cladding assembly; abstract) with recesses for receiving sealing means therein (as illustrated, the sealing means 14 is received in a recess; figure 4) and wherein the sealing means cooperates with the panel to substantially seal a space behind the cladding panel against the ingress of moisture (the sealing means being adapted to substantially seal the space between the building frame and the cladding panels against the ingress of moisture; paragraph 28, lines 7-10).

Therefore from the teaching of Turco, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the panel junction element of Finon to include sealing means in the recesses as taught by Turco in order to seal against ingress of moisture (paragraph 28, lines 7-10).

As per claim 4, Finon fails to disclose the sealing means is an elongate gasket located in each elongate recess.

Turco discloses the sealing means is an elongate gasket located in each elongate recess (the sealing means is a longitudinally extending gasket; paragraph 32, lines 1-2).

Therefore from the teaching of Turco, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the panel junction element of Finon to include sealing means as an elongate gasket as taught by Turco in order to seal against ingress of moisture (paragraph 28, lines 7-10).

As per claim 5, Finon fails to disclose the elongate gasket includes longitudinally extending rib means and a longitudinally extending end portion such that on assembly when the outer flange is received in the slot along the edge of the cladding panel, the rib means resiliently engages the inner surface of the cladding panels and the longitudinally extending end portion resiliently engages the inner edge of the cladding panel adjacent the slot.

Turco discloses the elongate gasket includes longitudinally extending rib means (ribs 16) and a longitudinally extending end portion such that on assembly when the outer flange is received in the slot along the edge of the cladding panel, the rib means

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resiliently engages the inner surface of the cladding panels and the longitudinally extending end portion resiliently engages the inner edge of the cladding panel adjacent the slot (the rib means resiliently engage the inner surface of the cladding panels when the at least one flange engages the recess; paragraph 33, lines 2-4).

Therefore from the teaching of Turco, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the panel junction element of Finon to include sealing means with extending ribs as taught by Turco in order to seal against ingress of moisture (paragraph 28, lines 7-10).

As per claim 6, Finon teaches a longer inner flange extends at each side thereof beyond the ends of the shorter outer flange (as illustrated, the elongated base extends from each side beyond the shorter wings 4; figure 2) sufficiently to allow screws to be fixed therethrough for fastening the support member to the building or building frame (the elongated base is capable of having screws fastened therethrough).

As per claim 8, Finon discloses a method of fastening a plurality of cladding panels (1) relative to a building or building frame (assembly for installing prefabricated wall panels; title), the panels having slots along edges thereof (as illustrated, panels 1 have grooves 2 in their edges; figure 1), the method including: fastening to the building or building frame a jointing system (as illustrated, the junction elements 5 are fastened to a building frame; figure 6), the jointing system having an elongate support member (junction element 5) having a longer inner flange (elongated base 3) for fastening the building to the building frame, the inner flange being connected by a web to a shorter outer flange (wings 4) to form an elongate recess on each side of the web (as

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illustrated, a recess is formed between the wings 4 and the elongated base 3; figure 2), being substantially centrally disposed relative to ends of at least one of the inner and outer flange such that the elongate support member is substantially H-shaped in cross section (as illustrated, the junction element forms a substantial H-shape; figure 2), and supporting a cladding panel (1) relative to the building or building frame (as illustrated, the panels 1 are supported relative to a building frame via the junction elements 5; figure 6) with the outer flange of the support member received in one of the slots of the cladding panel (as illustrated, the wings 4 are received in the grooves 2 of the panel 1; figure 2).

Finon fails to disclose sealing means received in the recesses; and wherein the sealing means cooperates with the panel to substantially seal a space behind the cladding panel against the ingress of moisture.

Turco discloses a jointing system (jointing elements 12) for supporting a plurality of cladding panels (10) relative to a building or building frame (a wall cladding assembly; abstract) with recesses for receiving sealing means therein (as illustrated, the sealing means 14 is received in the recess; figure 4) and wherein the sealing means cooperates with the panel to substantially seal a space behind the cladding panel against the ingress of moisture (the sealing means being adapted to substantially seal the space between the building frame and the cladding panels against the ingress of moisture; paragraph 28, lines 7-10).

Therefore from the teaching of Turco, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the panel junction

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element of Finon to include sealing means in the recesses as taught by Turco in order to seal against ingress of moisture (paragraph 28, lines 7-10).

As per claim 9, Finon fails to disclose the sealing means is an elongate gasket pre-located in each recess (the sealing means is a longitudinally extending gasket; paragraph 32, lines 1-2).

Turco discloses the sealing means is an elongate gasket pre-located in each recess (the sealing means is a longitudinally extending gasket; paragraph 32, lines 1-2).

Therefore from the teaching of Turco, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the panel junction element of Finon to include sealing means as an elongate gasket as taught by Turco in order to seal against ingress of moisture (paragraph 28, lines 7-10).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finon (U.S. Patent No. 3,412,515) in view of Turco (U.S. Pub. No. 2004/0010998) as applied to claim 1, and in further view of Treister et al (U.S. Patent No. 6,170,214).

As per claim 2, the Finon and Turco combination fails to disclose the first elongate support member is an aluminum extrusion.

Treister et al discloses a panel cladding system of a building structure (abstract) whereby the retaining elements are preferably formed of an extruded metal, such as aluminum (col. 10, lines 13-15).

Therefore from the teaching of Treister et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wall panel system with the panel support members of the Finon and Turco combination such that



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the support members are constructed of extruded aluminum as taught by Treister et al in order to minimize the weight and provide strength to the structure (col. 10, lines 10-12).

5. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finon (U.S. Patent No. 3,412,515) in view of Turco (U.S. Pub. No. 2004/0010998) and further in view of Milligan et al (U.S. Pub. No. 2005/0097841).

As per claims 3 and 10, the Finon and Turco combination fails to disclose the sealing means is a beading sealant.

Milligan et al discloses a method of fitting a panel in an opening in a framed wall structure (abstract) whereby the frame includes a channel which receives a glazing bead seal to provide a seal between the panel and the frame (paragraph 13, lines 10-12).

Therefore from the teaching of Milligan et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the sealing means of the Finon and Turco et al combination with a bead seal as taught by Milligan et al in order to provide a seal between the panel and the frame (paragraph 13, lines 11-12).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finon (U.S. Patent No. 3,412,515) in view of Turco (U.S. Pub. No. 2004/0010998) as applied to claim 1, and further in view of Forrest (U.S. Patent No. 3,363,381).

The Finon and Turco combination fails to disclose a second elongate support member wherein the distance between the outer surfaces of the flanges of the second

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elongate support member is less than the distance between the outer surfaces of the flanges of the first elongate support member such that when the first elongate support members orthogonally abut with the outer surface of the longer inner flange of the second elongate support member resting on the inner surface of the longer inner flange of the first elongate surface member, the outer surfaces of the shorter outer flanges are substantially coplanar.

Forrest discloses a modular panel apparatus including means for joining adjacent panels together in edge to edge relationship (col. 1, lines 12-14) whereby the flanged part 42 is recessed as at 44, from the bottom surface 24 by a distance at least equal to the thickness of the flanged part 40 whereby the flanged parts 40, 42 may overlap and engage each other with the bottom surfaces of each panel being substantially in the same plane (col. 2, lines 45-50; figure 1).

Therefore from the teaching of Forrest, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wall panel system with the panel support members of the Finon and Turco combination to include adjacent panel support members with height adjustments as taught by Forrest so that when the panels overlap, they may remain on the same plane (col. 2, lines 49-50).

### ***Response to Arguments***

7. Applicant's amended claims and arguments have been considered but are moot in view of the new ground(s) of rejection. New references Finon (U.S. Patent No. 3,412,515) and Turco (U.S. Pub. No. 2004/0010998) have been added to overcome the newly added limitations. Applicant argues that the member of Paz et al. is not

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substantially H-shaped, as depicted in the drawings. However the applicant's drawings present a member that does not clearly represent the shape of an H. Although the examiner disagrees with this assertion and believes that the term "substantially" is construed as not exactly, the new grounds of rejection clearly show an H-shaped cross section similar to that submitted by the applicant.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Shaw (U.S. Patent No. 5,709,058) discloses a wall tile construction with H-shaped jointing members.

Osawa (U.S. Patent No. 4,516,373) discloses tile construction with H-shaped jointing members.

Watanabe (U.S. Patent No. 6,289,646) discloses a panel fixing assembly with a longer inner flange and shorter outer flanges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OFH

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633